

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

IN RE: **James Michael Morris, Jr**  
**Tracy Kirby Morris**  
Debtor(s)

Case No.  
  
Chapter 13 Proceeding

☐ **AMENDED**    ☐ **MODIFIED**  
**DEBTOR(S)' CHAPTER 13 PLAN**  
**AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE**

*Creditors are hereby notified that the following Plan may be amended at any time before confirmation. Any amendment may affect your status as a creditor. The Debtor's estimate of how much the Plan will pay, projected payments, and estimates of the allowed claims may also change. The following information advises creditors of the status of the case based on the information known at the time of its preparation. Any special concerns of a creditor may justify attendance at the Meeting of Creditors and such other action as may be appropriate under the circumstances. More detailed information is on file at the Office of the United States Bankruptcy Clerk in El Paso or Waco, Texas. Local Bankruptcy Rules and Standing Orders on procedures are available at the Clerk's Office and online at [www.txwb.uscourts.gov](http://www.txwb.uscourts.gov).*

*Use of the singular word "Debtor" in this Plan includes the plural where appropriate.*

**Plan Summary**

- A. The Debtor's Plan Payment will be **\$1,950.00 Monthly**, paid by ☒ Pay Order or ☐ Direct Pay for **60 months**. The gross amount to be paid into the plan is **\$117,000.00**.
- B. The Plan proposes to pay all allowed priority claims in full, all secured claims to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI below, and approximately **22%** of each unsecured allowed claim.

THIS PLAN DOES NOT ALLOW CLAIMS. YOU MUST FILE A PROOF OF CLAIM BY THE APPLICABLE DEADLINE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN THAT MAY BE CONFIRMED. CREDITORS ARE REFERRED TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE, THE LOCAL BANKRUPTCY RULES FOR THE WESTERN DISTRICT OF TEXAS, AND THE APPLICABLE STANDING ORDER RELATING TO CHAPTER 13 CASE ADMINISTRATION FOR THIS DIVISION, FOR INFORMATION ON THESE AND OTHER DEADLINES.

- C. The value of the Debtor's non-exempt assets is **\$0.00**.
- D. If the payment of any debt is proposed to be paid directly by the Debtor outside the Plan, it is so noted in Section VI(1), set forth below.

**Plan Provisions**

**I. Vesting of Estate Property**

- ☐ Upon confirmation of the Plan, all property of the estate shall vest in the Debtor and shall not remain as property of the estate.
- ☒ Upon confirmation of the Plan, all property of the estate shall not vest in the Debtor, but shall remain as property of the estate.
- ☐ Other (describe):

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*Continuation Sheet # 1*

**II. Pre-Confirmation Disbursements**

In accordance with the applicable Standing Order Relating to Chapter 13 Case Administration, the Debtor requests and consents to disbursement by the Chapter 13 Trustee of payments prior to confirmation of the Plan to evidence the Debtor's good faith, promote successful completion of the case, and to provide adequate protection to secured creditors. The Debtor shall remit such payments to the Trustee commencing 15 days after the filing of the petition. Provided all conditions for disbursement are met and unless otherwise ordered by the Court, the Trustee shall begin disbursing to creditors as provided below, on the first regularly scheduled disbursement after 30 days after the the petition is filed. Payments under this paragraph will cease upon confirmation of the Plan.

Creditor/Collateral	Pre-Confirmation Payment Amount	Other Treatment Remarks
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**III. Executory Contracts/Unexpired Leases/Contracts for Deed**

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to assume the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to reject the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

**IV. Motion to Value Collateral Pursuant to 11 U.S.C. § 506**

The Trustee shall pay allowed secured claims, which require the filing of a proof of claim, to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI(2), hereof, plus interest thereon at the rate specified in this Plan. Except for secured claims for which provision is made to pay the full amount of the claim notwithstanding the value of the collateral, the portion of any allowed claim that exceeds the value of the collateral shall be treated as an unsecured claim under Section VI(2)(F).

The Debtor(s) move(s) to value the collateral described below in the amounts indicated. The values as stated below represent the replacement values of the assets held for collateral, as required under Section 506(a)(2). Objections to valuation of collateral proposed by this Motion and Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely response or objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan.

Creditor / Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
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*Continuation Sheet # 2*

*"I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on \_\_\_\_\_."*

Debtor

Joint Debtor

**V. Motion to Avoid Lien Pursuant to 11 U.S.C. § 522(f)**

The Bankruptcy Code allows certain liens to be avoided. If a lien is avoided, the claim will not be treated as a secured claim but as an unsecured claim under Section VI(2)(F).

The Debtor moves to avoid the following liens that impair exemptions. Objections to lien avoidance as proposed in this Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan. (Debtor must list the specific exempt property that the lien impairs and the basis of the lien--e.g., judicial lien, nonpurchase-money security interest, etc.)

Creditor / Property subject to lien	Amount of Lien to be Avoided	Remarks
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**VI. Specific Treatment for Payment of Allowed Claims**

**1. PAYMENTS TO BE MADE BY THE DEBTOR DIRECTLY TO CREDITORS, INCLUDING POST-PETITION DOMESTIC SUPPORT OBLIGATIONS**

**A.** Debtor(s) shall pay the following creditors directly. Creditors with claims based on a post-petition domestic support obligation ("DSO"), including all governmental units to which a DSO claim has been assigned, or is owed, or that may otherwise recover a DSO claim, **MUST** be paid directly. Minors should be identified by their initials only. If no DSO creditor is listed, the Debtor represents he/she has no domestic support obligation.

All direct payments listed below shall be made in addition to the Plan payments made by Debtor to the Chapter 13 Trustee as herein set forth. Secured creditors who are paid directly shall retain their liens, and the Debtor(s) shall maintain insurance on the collateral, in accordance with the terms of the documents creating the lien on the collateral.

Creditor / Collateral, if any (including the name of each DSO creditor)	Remarks	Debt Amount	Payment Amount/Interval
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**B.** Debtor surrenders the following collateral. Confirmation of the Plan shall operate to lift the automatic stay provided by 11 U.S.C. § 362(a) with respect to the collateral listed, and any unsecured deficiency claim may be filed in accordance with the procedures set forth in the Standing Order Relating to Chapter 13 Case Administration for this Division.

Creditor/Collateral	Collateral to Be Surrendered
Clarksville Tennessee Tax Assessor	3665 S. Jot Drive
Wells Fargo Hm Mortgage	3665 S. Jot Drive

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*Continuation Sheet # 3*

**2. PAYMENTS TO BE MADE BY TRUSTEE TO CREDITORS**

**A. Administrative Expenses**

Administrative Expenses shall include the Trustee's commission and debtor's attorney's fees. The Trustee shall receive up to 10% of all sums received. No fees or expenses of counsel for the debtor(s) may be paid until the filing fee is paid in full, and any fees and expenses that are allowed in addition to the fees and expenses originally agreed to be paid, may be paid only after all prior allowed fees and expenses have been paid.

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks
Watson Law Firm, P.C.	\$3,078.00	Along With	

**B. Priority Claims, Including Domestic Support Obligation Arrearage Claims**

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks

**C. Arrearage Claims**

Creditor / Collateral	Estimated Claim	Estimated Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks

**D. Cure Claims on Assumed Contracts, Leases, and Contracts for Deed**

Creditor/Subject Property, if any	Estimated Amount of Cure Claim	Monthly Payment or Method of Disbursement	Remarks

**E. Secured Creditors**

Secured creditors shall retain their liens on the collateral that is security for their claims until the earlier of the date the underlying debt, as determined under non-bankruptcy law, has been paid in full, or the date of discharge under 11 U.S.C. § 1328. Therefore, if the debtor's case is dismissed or converted without completing of all Plan payments, the liens shall be retained by the creditors to the extent recognized by applicable non-bankruptcy law.

Creditor/Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks (specifically note if claim amount to be paid although greater than value of collateral)
Caf/Carmax Auto Finance 2010 Nissan Armada	\$38,712.00	\$39,212.00	Pro-Rata	5.25%	\$40,963.66	

**F. General Unsecured Creditors (including claims from rejection of contracts, leases and contracts for deed).**  
*Describe treatment for the class of general unsecured creditors.*

General Unsecured Creditors will receive approximately 22% of their allowed claims.

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*Continuation Sheet # 4*

<b>Creditor</b>	<b>Estimated Debt</b>	<b>Remarks</b>
Acs/bank Of America	\$0.00	
Ally Financial	\$0.00	
Avant Credit Corporati	\$18,576.00	
Capital 1 Bank	\$6,478.00	
Capital 1 Bank	\$1,710.00	
Capital 1 Bank/bstby	\$1,820.00	
Chase Card	\$3,965.00	
Chase/circuitcity	\$0.00	
Citi Auto/Santander Consumer USA	\$0.00	
Citistudntln	(\$1.00)	
Comenity Bank/Inbryant	\$636.00	
Credit One Bank	\$0.00	
Dept Of Ed/navient	\$70,537.00	
Dsnb Macys	\$1,618.00	
Ford Motor Credit Corporation	\$0.00	
Fort Campbell Fcu	\$0.00	
GEARB/Care Credit	\$1,752.00	
GEARB/JC Penny	\$2,761.00	
GEARB/Lowes	\$5,355.00	
GEARB/Lowes	(\$1.00)	
Jared/Sterling Jewelers	\$3,864.00	
Kentucky Higher Education Student Loan C	\$0.00	
Lending Club Corp	\$29,912.00	
Military Star	\$15,930.00	
Mohela	\$15,904.00	
Mohela/bank Of America	\$0.00	
Patriot Loan	\$0.00	
Personal Finance P290	\$0.00	
Sears/cbna	\$0.00	
South State Bank	\$38,208.00	
Synco/ashley Homestore	\$752.00	
Synco/belk	\$1,005.00	
Us Dept Of Ed/gleisi	\$51,478.00	
Us Dept Of Education	\$0.00	
USAA Federal Savings Bank	\$0.00	
Usaa Savings Bank	\$4,019.00	
Webbank/fingerhut	\$617.00	

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*Continuation Sheet # 5*

**Totals:**

Administrative Claims	<u>\$3,078.00</u>
Priority Claims	<u>\$0.00</u>
Arrearage Claims	<u>\$0.00</u>
Cure Claims	<u>\$0.00</u>
Secured Claims	<u>\$38,712.00</u>
Unsecured Claims	<u>\$276,895.00</u>

**VII. Supplemental Plan Provisions**

The following are the Supplemental Plan Provisions:

**Agreed Orders**

Agreed Orders shall control in any conflict between Plan provisions and the provisions in the Agreed Orders.

**Disposable Earnings**

Pursuant to 11 U.S.C. § 1322(a)(1) of the Bankruptcy Code, the Debtor(s) shall submit all or such portion of future earnings or other future income of the debtor to the supervision and control of the trustee as is necessary for the execution of the plan. The Debtor(s) agree to report to the Trustee any changes in income that would necessitate modifying their plan by either increasing or decreasing their plan payment or increasing or decreasing payout to unsecured creditors

**Authorization to send monthly bills**

Confirmation of the Plan shall constitute authority for creditors, such as lien-holders on real property and lien-holders on vehicles, who receive monies as direct payments from Debtor(s) as a result of Debtor(s) election to pay such monies outside of the plan to send monthly statements as a convenience to the Debtor(s) and such statements shall not be considered a violation of the provisions of the automatic stay.

**Certain Pre-Confirmation Disbursements**

If a creditor is listed as secured and scheduled to receive pre-confirmation disbursements and post-confirmation payments along with the other secured creditors, but such creditor subsequently files an unsecured claim, then the creditor will not receive any pre-confirmation disbursements and upon confirmation will be paid along with the other unsecured creditors. The funds that were allocated to such creditor as a pre-confirmation disbursement will be distributed on a pro-rata basis to the other secured creditors. Similarly, the funds scheduled to be received by such creditor along with other secured creditors on a pro-rata basis.

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*Continuation Sheet # 6*

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**Misfiled and Unfiled Creditors Paid Accordingly**

If any secured proof of claim is timely filed for a debt that was either not listed or listed as unsecured, the claim shall be allowed as secured unless, it is objected to. Said claims shall be paid under the plan at 5.5% interest. Likewise, if any priority proof of claim is timely filed for a debt that was either not listed or listed as unsecured, the claim shall be allowed as priority unless it is objected to. Said priority claim shall not be paid with any interest.

Respectfully submitted this date: 2/12/2015.

**/s/ Karla P. Griffin**

Karla P. Griffin  
1123 E. Rio Grande  
El Paso, Texas 79902  
Phone: (915) 562-4357 / Fax: (866) 201-0967  
(Attorney for Debtor)

**/s/ James Michael Morris, Jr**

James Michael Morris, Jr  
11613 Saint Martin Way  
El Paso, TX 79936  
(Debtor)

**/s/ Tracy Kirby Morris**

Tracy Kirby Morris  
11613 Saint Martin Way  
El Paso, TX 79936  
(Joint Debtor)

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*Joint Debtor*

CHAPTER **13**

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on February 14, 2015, a copy of the attached Chapter 13 Plan, with any attachments, was served on each party in interest listed below, by placing each copy in an envelope properly addressed, postage fully prepaid in compliance with Local Rule 9013 (g).

**/s/ Karla P. Griffin**

Karla P. Griffin  
Bar ID:24074659  
Watson Law Firm, P.C.  
1123 E. Rio Grande  
El Paso, Texas 79902  
(915) 562-4357

Acs/bank Of America  
2517157691  
C/o Acs  
Utica, NY 13501

Capital 1 Bank  
5178057306140893  
Attn: General Correspondence  
PO Box 30285  
Salt Lake City, UT 84130

Chase/circuitcity  
152300610548  
Po Box 15298  
Wilmington, DE 19850

Ally Financial  
340910015406  
200 Renaissance Ctr  
Detroit, MI 48243

Capital 1 Bank  
4862368861091544  
Attn: General Correspondence  
PO Box 30285  
Salt Lake City, UT 84130

Citi Auto/Santander Consumer USA  
2469676701  
Attn: Bankruptcy  
PO Box 961245  
Ft. Worth, TX 76161

Avant Credit Corporati  
165448  
640 N. Lasalle St. Suite 545  
Chicago, IL 60654

Capital 1 Bank/bstby  
7001191998232657  
PO Box 5155  
Norcross, GA 30091

Citistudntln  
25171576925  
PO Box 95  
Sioux Falls, SD 57117

Caf/Carmax Auto Finance  
18087969  
Attn: Bankruptcy  
PO Box 440609  
Kennesaw, GA 30160

Chase Card  
4185506007959567  
201 N. Walnut St//de1-1027  
Wilmington, DE 19801

Clarksville Tennessee Tax Assessor  
PO BOX 928  
Clarksville, TN 37041

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CHAPTER **13**

**CERTIFICATE OF SERVICE**  
(Continuation Sheet #1)

Comenity Bank/Inbryant  
6978005028804965  
4590 E Broad St  
Columbus, OH 43213

GECRB/Care Credit  
6019183069538551  
Attn: bankruptcy  
PO Box 103104  
Roswell, GA 30076

Kentucky Higher Education Student  
Loan C  
2085436  
Attn: Bankruptcy  
PO Box 24328  
Louisville, KY 40224

Credit One Bank  
4447961111961963  
PO Box 98873  
Las Vegas, NV 89193

GECRB/JC Penny  
6008895384454715  
Attention: Bankruptcy  
PO Box 103104  
Roswell, GA 30076

Lending Club Corp  
7626864  
71 Stevenson St Ste 300  
San Francisco, CA 94105

Dept Of Ed/navient  
90513355151E00920120608  
Po Box 9635  
Wilkes Barre, PA 18773

GECRB/Lowes  
7981924347711434  
Attention: Bankruptcy Department  
PO Box 103104  
Roswell, GA 30076

Military Star  
6019444401489758  
3911 S Walton Walker Blv  
Dallas, TX 75236

Dsnb Macys  
9705930551020  
Po Box 8218  
Mason, OH 45040

GECRB/Lowes  
798222141016  
Attention: Bankruptcy Department  
PO Box 103104  
Roswell, GA 30076

Mohela  
9286243913MO00005  
633 Spirit Drive  
Chesterfield, MO 63005

Ford Motor Credit Corporation  
21127090  
Ford Motor Credit  
PO Box 6275  
Dearborn, MI 48121

James Michael Morris, Jr  
11613 Saint Martin Way  
El Paso, TX 79936

Mohela/bank Of America  
3143312419MO00006  
14528 S Outer 40 Rd Ste  
Chesterfield, MO 63017

Fort Campbell Fcu  
1341210040  
2050 Lowe's Drive  
Clarksville, TN 37040

Jared/Sterling Jewelers  
6003310799  
PO Box 1799  
Attn: Bankruptcy  
Akron, OH 44333

Patriot Loan  
8263  
C/O Security Finance/Attn: Bankruptcy  
De  
PO Box 1893  
Spartanburg, SC 29304

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CHAPTER 13

**CERTIFICATE OF SERVICE**  
(Continuation Sheet #2)

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Personal Finance P290  
P29020139701  
1223 Skyline Drive  
Hopkinsville, KY 42240

Us Dept Of Ed/gllesi  
2874162488798581  
Po Box 7860  
Madison, WI 53707

Sears/cbna  
65195904  
Po Box 6189  
Sioux Falls, SD 57117

Us Dept Of Education  
700001811779036  
Attn: Bankruptcy  
PO Box 16448  
Saint Paul, MN 55116

South State Bank  
000001130356730201  
950 John C Calhoun Se  
Orangeburg, SC 29115

USAA Federal Savings Bank  
49342397  
10750 McDermott Fwy  
San Antonio, TX 78288

STUART C. COX  
Standing Chapter 13 Trustee,  
1760 North Lee Trevino Dr.  
El Paso, TX 79936

Usaa Savings Bank  
5491237126699365  
Po Box 33009  
San Antonio, TX 78265

Syncb/ashley Homestore  
6019193605382968  
950 Forrer Blvd  
Kettering, OH 45420

Webbank/fingerhut  
6369921043560167  
6250 Ridgewood Rd  
Saint Cloud, MN 56303

Syncb/belk  
6045831540331297  
Po Box 965028  
Orlando, FL 32896

Wells Fargo Hm Mortgag  
9360336526678  
8480 Stagecoach Cir  
Frederick, MD 21701